

KAUAI PLANNING COMMISSION
REGULAR MEETING

Tuesday, April 12, 2016

9:00 a.m. or Soon Thereafter
Līhu'e Civic Center, Moikeha Building
Meeting Room 2A-2B
4444 Rice Street, Lihue, Kauai, Hawai'i

AGENDA

- A. **CALL TO ORDER**
- B. **ROLL CALL**
- C. **APPROVAL OF AGENDA**
- D. **MINUTES of the meeting(s) of the Planning Commission**
 - 1. Meeting of February 23, 2016
 - 2. Meeting of March 8, 2016
- E. **RECEIPT OF ITEMS FOR THE RECORD**
- F. **HEARINGS AND PUBLIC COMMENT** (Noticed hearings will not commence until 9:00 a.m. or soon thereafter.) Individuals may orally testify on items on this agenda during the Public Comment Period. Please call the Planning Department prior to the meeting or notify Commission Staff at the meeting site. Testimony shall also be accepted when the agenda item is taken up by the Commission. However if an individual has already testified during this period, additional testimony at the agenda item testimony may be allowed at the discretion of the Chair. Testifiers shall limit their testimony to three (3) minutes, but may be extended longer at the discretion of the Chair. Written testimony is also accepted. An original and twelve (12) copies of written testimony can be hand delivered to the Planning Department or submitted to Commission Staff at the meeting site.
 - 1. **Continued Agency Hearing** (NONE)
 - 2. **New Agency Hearing** (NONE)
 - 3. **Continued Public Hearing** (NONE)
 - 4. **New Public Hearing** (NONE)
 - 5. **All remaining public testimony pursuant to HRS 92 (Sunshine Law)**

G. CONSENT CALENDAR

1. **Status Reports** (NONE)
2. **Director's Report(s) for Project(s) Scheduled for Agency Hearing on 4/26/16.**
(NONE)

H. EXECUTIVE SESSION

1. Pursuant to Hawaii Revised Statutes sections 92-4, 92-5(a)(4), the purpose of this executive session for the Planning Commission is to consult with the County's legal counsel on questions relating to ***Coconut Beach Development LLC, a Delaware Limited Liability Company, vs. County of Kauai; Civil No. 12-00065 SOM-KSC, Tax Map Key 4-3-02:15, 16 & 20.*** This consultation involves consideration of the Commission's powers, duties, privileges, immunities, and/or liabilities with regard to this agenda item.

I. GENERAL BUSINESS MATTERS

1. Clerk of the Commission's Recommendation to Refer an Appeal of the Planning Director's Decision Related to the Notice of Violation and Order to Pay Fines by ***Toni Sutherland/Alta Management Services LLC*** for continued operation of an unpermitted vacation rental, TMK No. (4) 58011059-0001, Haena, Kauai, to a Hearings Officer (Contested Case No. CC-2016-8); Request for Delegation of Authority to the Clerk of the Commission to Procure and Appoint a Hearings Officer on Behalf of the Commission for the Instant Appeal.
 - a. Memorandum (4/1/16) from Michael A. Dahilig, Clerk of the Commission to Honorable Commissioners of the Kauai Planning Commission.
2. Clerk of the Commission's Recommendation to Refer an Appeal of the Planning Director's Decision Related to the Notice of Violation and Order to Pay Fines by ***Jonathan Chun, Esq., representing John & Lorna Hoff (Kauai Banyan Inn)*** related to Use Permit U-2015-28, Class IV Zoning Permit Z-IV-2015-29, and Special Permit SP-2015-9, Conversion of an Existing Residence into a Homestay Operation, TMK No. (4) 25005080, Lawai, Kauai, to a Hearings Officer (Contested Case No. CC-2016-6); Request for Delegation of Authority to the Clerk of the Commission to Procure and Appoint a Hearings Officer on Behalf of the Commission for the Instant Appeal.
 - a. Memorandum (3/7/16) from Michael A. Dahilig, Clerk of the Commission to Honorable Commissioners of the Kauai Planning Commission.
3. Withdrawal (3/9/16) of Contested Case CC-2015-18, Class IV Zoning Permit Z-IV-2015-29, Use Permit U-2015-28, Special Permit SP-2015-9, Tax Map Key (4) 2-5-005:080, CPR Unit 1 = ***John R. Hoff Trust and Lorna E. Hoff Trust*** by Jonathan Chun, Esq.
 - a. Letter (3/23/16) from Jonathan Chun, Esq., withdrawing their 3/9/16 letter.
4. Withdrawal (3/23/16) of Contested Case CC-2015-16, Class IV Zoning Permit Z-IV-2015-28, Use Permit U-2015-27, Special Permit SP-2015-8, Tax Map Key (4) 5-2-022:014, CRP Unit 2 = ***Susan Gailey Trust and Kim E. Richard Trust*** by Jonathan Chun, Esq.

I. GENERAL BUSINESS MATTERS (Cont'd)

5. Withdrawal (3/23/16) of Class IV Zoning Permit Z-IV-2015-27, Use Permit U-2015-26, Special Permit SP-2015-7 = *Steven V. Ruddell/Merlyn W. Ruddell Trust* by Jonathan Chun, Esq.
 - a. Letter (3/23/16) from Jonathan Chun, Esq., related to Applicants instructions to reinstate their Application for the above referenced permits and move forward with the contested case hearing in obtaining a homestay on subject property.
6. Request (3/10/16) to Amend Condition No. 21 of Project Development Use Permit PDU-2008-11, Class IV Zoning Permit Z-IV-2008-12 and Use Permit U-2008-10, Tax Map Key (4) 2-8-008:001, to allow additional time to complete construction of the project in Koloa Town, Koloa, Kauai = *Koloa Village, LLC (fka Koloa Town, LLC)*.
 - a. Director's Report pertaining to this matter.

J. COMMUNICATION (For Action)

K. COMMITTEE REPORTS

1. **Subdivision** Subdivision Action matters listed in the Subdivision Committee Agenda (attached). (NONE)

L. UNFINISHED BUSINESS (For Action)

1. Class IV Zoning Permit Z-IV-2016-10 to allow construction of two (2) additional fuel storage tanks on a parcel located along Waapa Road in Nawiliwili, approx. 300 ft. south of the Kanoa Street/Nawiliwili Road intersection and further identified as 3185 Waapa Road, Tax Map Key 3-2-004:016, and containing a total area of 1.3154 acres = *Kauai Petroleum Company, Ltd.* [Director's Report received by Commission Clerk 12/29/15, hearing closed and action deferred indefinitely 1/12/16.]
 - a. Supplemental No. 1 Director's Report pertaining to this matter

M. NEW BUSINESS

1. **For Action – See Agenda F for Project Descriptions**

N. ANNOUNCEMENTS

1. Topics for Future Meetings
2. The following scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai, Hawai'i 96766 on **Tuesday, April 26, 2016.**

O. ADJOURNMENT

EXECUTIVE SESSION: The Commission may go into an executive session on an agenda item for one of the permitted purposes listed in Section 92-5(a) Hawaii Revised Statutes (“H.R.S.”), without noticing the executive session on the agenda where the executive session was not anticipated in advance. HRS Section 92-7(a). The executive session may only be held, however, upon an affirmative vote of two-thirds of the members present, which must also be the majority of the members to which the board is entitled. HRS Section 92-4. The reason for holding the executive session shall be publicly announced.

NOTE: Special accommodations and sign language interpreters are available upon request five (5) days prior to the meeting date, to the County Planning Department, 4444 Rice Street, Lihue, Hawaii 96766. Telephone: 241-4050.

Pursuant to Section 8-27.8 (6) of the Kauaʻi County Code (1987), as amended, the following shoreline setback determinations by the Director are disclosed for purposes of public notification.

April 12, 2016

SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Reasons
SSD-2016-49	William D. Cvengros	5-1-005:051	W. Waiakalua	Re-grade existing pathway and install erosion control
SSD-2016-50	Jesse Lee Ashcraft	1-2-013:005	Kekaha	Additional dwelling unit
SSD-2016-51	Ming Fang	5-1-005:045	W. Waiakalua	After-the-Fact terracing and pathway grading
SSD-2016-52	Kauai Petroleum	3-2-004:016	Nawiliwili	Storage tank upgrades
SSD-2016-53	DLNR	1-2-002:036	Mana	Racetrack lighting
SSD-2016-54	Larry & Sherri Frost	5-4-012:011	Princeville	Interior Renovation
SSD-2016-55	Eric Sambold	4-8-007:006	Anahola	Repair & Renovation
SSD-2016-56	Palms Hawaii Architecture	2-8-016:007	Poipu	Interior Renovation